

FILED

U.S. DISTRICT COURT
 EASTERN DISTRICT ARKANSAS

Jun 24, 2019

JAMES W. McCORMACK, CLERK
 By: Forrest Dunn, D.C.

DEP CLERK

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF ARKANSAS
 FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

JEREMY YOUNG HUTCHINSON)

CRIMINAL NO. 5:19-CR-5049-001

18 U.S.C. §§ 371 & 666(a)(1)(B)
 (Conspiracy to Commit Bribery)

4:19-CR-333-BSM

INFORMATION

The United States of America charges that:

GENERAL ALLEGATIONS

1. Unless otherwise specified, at all times material to this Information:
2. JEREMY YOUNG HUTCHINSON is a former Arkansas Senator who represented Senate District 33, after first being elected in 2010 and then re-elected in 2012 and 2014. Senate District 33 is comprised of portions of Pulaski County and Saline County, Arkansas. As a Senator, HUTCHINSON had the responsibility and authority to, among other things, draft and vote on proposed bills and legislation, place holds on agency budgets, and request interim study proposals. As a Senator, HUTCHINSON owed a duty to provide honest services to the State of Arkansas and its citizens. Prior to his service in the Arkansas Senate, HUTCHINSON served as a Representative of House District 31 in the Arkansas House of Representatives from 2000 to 2007. HUTCHINSON was also an attorney licensed in the State of Arkansas. HUTCHINSON had previously operated his own law firm, Hutchinson Law Firm, as a sole proprietorship.
3. Individual A is a specialist who, during the relevant period, lived in the Western District of Arkansas. Individual A was the co-owner in several businesses that operated

orthodontic clinics throughout the State of Arkansas, including: Entity A; Entity B; Entity C; and Entity D.

4. Prior to August 2017, an Arkansas law known as the Dental Practices Act stated that any dentist licensed by the Arkansas State Board of Dental Examiners (ASBDE) as a specialist, such as an orthodontist, “must limit his or her practice to the specialty in which he or she is licensed except in an emergency situation,” and that “failure to limit his or her practice . . . shall be cause for the specialist license to be revoked or suspended.” A.C.A. § 17-82-305(g) (2003). This restriction imposed by the Dental Practices Act was often known as a specialist restriction.

5. During each of the calendar years 2014 through 2017, the State of Arkansas received benefits in excess of \$10,000 under federal programs involving grants, contracts, subsidies, loans, guarantees, insurance, and other forms of federal assistance.

COUNT ONE

18 U.S.C. §§ 371 & 666(a)(1)(B)
Conspiracy to Commit Bribery

6. Paragraphs 1 to 4 of this Information are incorporated here by reference.

7. From about February 2014 through about March 2017, in the Western District of Arkansas and elsewhere, the defendant, **JEREMY YOUNG HUTCHINSON**, knowingly, intentionally, and unlawfully conspired, confederated, and agreed with Individual A and with others known and unknown to the United States, for HUTCHINSON, as an agent of the State of Arkansas, to corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(1)(B).

Purpose of the Conspiracy

8. It was the purpose of the conspiracy for HUTCHINSON to enrich himself by soliciting, demanding and accepting money and other things of value, and agreeing to accept money and other things of value from Individual A through payments from Entity A, Entity B, Entity C and Entity D, in exchange for HUTCHINSON providing and agreeing to provide official action for the benefit of Individual A and his businesses, including but not limited to introducing Senate Bill 143 of 2015, referring Senate Bill 143 of 2015 for interim study, and introducing an Interim Study Proposal, ISP-2015-154, an official act and a necessary step toward attempting to amend the Dental Practices Act as desired by Individual A.

Manner and Means

9. Individual A, and others known and unknown to the United States, offered and gave money and other things of value to HUTCHINSON in exchange for HUTCHINSON agreeing to take, and taking, official action favorable to Individual A and his businesses, namely, efforts to amend the Dental Practices Act to remove the specialist restriction. Moreover, HUTCHINSON solicited, demanded, accepted and agreed to accept money and other things of value in exchange for agreeing to take, and taking, official action favorable to Individual A and his businesses.

10. Individual A caused Entity A, Entity B, Entity C and Entity D to pay HUTCHINSON bribes in the form of legal fees and retainers that were, at least in part, in exchange for HUTCHINSON agreeing to take, and taking, official action favorable to Individual A and his businesses.

11. In exchange for the things of value provided by Individual A to HUTCHINSON, HUTCHINSON introduced Senate Bill 143 of 2015, referred Senate Bill 143 of 2015 for interim study, and introduced ISP-2015-154.

12. To conceal the bribes paid by Individual A to HUTCHINSON, the payments were identified as legal fees paid in the form of an up-front and then monthly retainer. To further conceal the bribes paid by Individual A to HUTCHINSON, Individual A's businesses referred legal work to HUTCHINSON.

Overt Acts

13. In furtherance of the conspiracy, and to accomplish its objects, HUTCHINSON, Individual A and others known and unknown to the United States committed the following overt acts, among others, in the Western District of Arkansas and elsewhere:

a. Individual A directed a \$20,000 payment from Entity B to HUTCHINSON via the Hutchinson Law Firm on or about February 28, 2014.

b. Individual A directed \$40,000 in payments from Entity A to HUTCHINSON via the Hutchinson Law Firm on or between May 2014 and December 2014.

c. Individual A directed \$35,000 in payments from Entity D to HUTCHINSON via the Hutchinson Law Firm on or between January 2015 and August 2015.

d. Individual A directed \$62,500 in payments from Entity C to HUTCHINSON via the Hutchinson Law Firm on or between October 2015 and November 2016.


e. HUTCHINSON introduced Senate Bill 143 of 2015 on or about January 26, 2015.

f. HUTCHINSON referred Senate Bill 143 of 2015 for interim study on or about April 6, 2015.

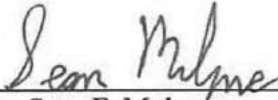
g. HUTCHINSON filed ISP-2015-154 with the Arkansas Legislative Council on or about September 22, 2015.

All in violation of 18 U.S.C. § 371.

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